

Nadler to Senate: EPA Response to 9/11 "Scandalous"

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NEW YORK — Expressing outrage that the Environmental Protection Agency (EPA) misled the public on some very important facts about the environmental integrity in Lower Manhattan, and blatantly hid other findings, Rep. Jerrold Nadler (D-NY) today called on the EPA to explain itself, and take action swiftly to remedy the situation. Should they not, Rep. Nadler said, he will introduce legislation forcing them to act. Rep. Nadler made his comments in front of a subcommittee of the Senate Committee on Environment and Public Works at a field hearing in New York, held by Sens. Joseph I. Lieberman and Hillary Rodham Clinton.

Congressman Nadler stated, "New York was at the center of one of the most calamitous events in American history and the EPA has essentially walked away."

Rep. Nadler made his comments on the heels of a shocking new St. Louis Post Dispatch story. In Sunday's Dispatch, it was reported that the United States Geological Survey (USGS), using the country's best detection equipment and methods, found pH levels in World Trade Center dust that are "as corrosive as drain cleaner" and passed this information along to health experts at the EPA on a "government-only" website. The story charges that "the USGS data was not released by the EPA nor apparently were the environmental agency's own test results on the dust." The EPA claims to have released this data to the public, but a review of all of the EPA's statements made since 9/11 found nothing that warned of these high pH levels. According to the New York Committee for Occupational Safety and Health (NYCOSH), such dust "once it's in contact with moist tissue — the throat, the mouth, nasal passages, the eyes and even sweaty skin — it becomes corrosive and can cause severe burns."

"This is utterly scandalous," said Rep. Nadler. "We must find out why the EPA hid this information from the public and we must see all the data now. I hope that Senators Clinton and Lieberman will join me in calling on the Federal government to explain why New Yorkers were misled, and to demand the release of the full compliment of data immediately."

In addition, Rep. Nadler charged, the EPA has engaged in a campaign of misinformation that has only served to confuse the public. For example, he said, the following statement was found in a copy of a January 25, 2002 speech by EPA Region II counsel Walter Mugdan, obtained by the Congressman, "...a significant number of the WTC bulk dust samples that we have analyzed did have more than one-percent asbestos." However, an October 3, 2001 EPA memo claiming that the agency had found no "significant health risk" states, "The vast majority of EPA and OSHA samples of air and dust analyzed for asbestos have been at levels that pose no significant health risk to residents and workers returning to their homes or area businesses." This was one of the most often quoted EPA statements, and it continues to be echoed to this day.

"How are New Yorkers to interpret those conflicting remarks," asked Rep. Nadler. "I can't even tell you what they mean — except that they cannot both be true."

"Yet, all is not lost," testified Rep. Nadler. "The EPA can and must act now to remedy this situation and make Lower Manhattan safe and to restore public trust. Despite statements to the contrary, the agency does currently have the authority and resources to do so, and it must do so quickly. However, if the EPA continues to fail New Yorkers, I will introduce legislation to mandate action. Time is of the essence."

Rep. Nadler made it clear to the Senate Subcommittee on Clean Air, Wetlands, and Climate Change that no action on his part would have been needed if the EPA had just responded to his inquiry as to what information they had that made them confident that there was absolutely no danger in sending residents and workers back into the area, as they did in

September. The only response the EPA has given to the request is a statement saying that, unlike at other sites around the rest of the nation, the EPA decided to shrug-off its responsibility to test indoor air, in favor of allowing the New York City Department of Health (NYCDOH) to do testing. NYCDOH, which uses standards more lax than the EPA's guidelines, will not release a detailed report on their findings until this spring — some seven months or more after the EPA sent residents back into the area. Rep. Nadler said he had serious concerns about the preliminary results, however. Rep. Nadler also testified that this was not good enough, and that only immediate test results based on the most modern testing methods and strictest standards would suffice.

“Based on the limited data that the NYCDOH did release in regards to their indoor testing, many of the scientists with whom we’ve consulted believe that full results would directly contradict the EPA’s previous claims that the ‘air is safe to breathe and water is safe to drink,’” said Rep. Nadler. “We need reliable testing to be done immediately — without impeding the cleanup process, where needed, and we need it now.”

“The EPA clearly has already has the authority — and, indeed, the mandate — to take such action,” said Rep. Nadler, citing Section 303 of the Clean Air Act, which says the EPA has the authority in an emergency situation to protect human health when there is an “imminent and substantial endangerment” presented by a source of pollution. In addition, the Congressman cited the National Contingency Plan (NCP) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), which gives the EPA authority to act on indoor air. Rep. Nadler testified that the EPA has not fully utilized the NCP in acting around Lower Manhattan.

“I realize that I have leveled some serious charges here today, but I believe I have the moral responsibility to do so,” said Rep. Nadler. “We must get the facts and act swiftly and appropriately to get the job done right. And the burden should not be on the landlords and residents themselves. The testing procedures and cleanup measures are expensive and must be conducted by properly trained personnel.”

Rep. Nadler has served in Congress since 1992. He represents the 8th Congressional District of New York, which includes parts of Manhattan and Brooklyn. Following the attacks of Sept. 11th, he organized the Ground Zero Elected Officials Task Force, which commissioned one of the first studies of contaminants in the air around downtown.

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